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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,928	03/08/2004	Alfred H. Shaffer	SHAA03A	1821

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EXAMINER

GUADALUPE, YARITZA

ART UNIT PAPER NUMBER

2859

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/795,928

Applicant(s)

SHAFFER ET AL. 

Examiner

Yaritza Guadalupe McCall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 13-32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/8/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 6 are rejected under 35 U.S.C. 102 (b) as being anticipated by Knowles (US 6,170,164).

With respect to claim 1, Knowles discloses a rear peep sight for mounting to a string of a bow (See Column 1, lines 60 – 61) and having interchangeable sight ports (See Figure 3) for accommodating different user preferences, said sight comprising a mounting member (12, 14); and a sighting member (36); wherein said mounting member is for mounting to the string of the bow (See Figure 1); and wherein said sighting member is attached to said mounting member (See Figure 1).

In regards to claim 2, Knowles also discloses a peep sight wherein said sighting member (36) includes interchangeably inserts (46A, 46B, 46C, 46D) attached to said mounting member (12) so as to accommodate different user preferences of sight ports.

Regarding claim 3, Knowles further teaches a peep sight wherein said mounting member (12) is generally oval-shaped (See Figure 1); and wherein said mounting member is vertically-oriented.

With regards to claim 4, the peep sight shown by Knowles also teaches said mounting member (12) having a forward-facing surface (14); wherein said mounting member has a rearward-facing surface (16); and wherein said mounting member (12) also has a pair of sideward-facing surfaces (24) receiving the bow string (22A, 22B).

In regards to claim 5, Knowles also discloses a sight wherein said pair of sideward-facing surfaces of said mounting member have a pair of grooves (24) running therealong, respectively; and wherein said pair of grooves (24) in said pair of sideward-facing surfaces of said mounting member, respectively, are for tightly receiving the string (22A, 22B) of the bow so as to thereby mount said rear peep sight to the string of the bow (See Figures 1 and 4).

With respect to claim 6, the sight shown by Knowles discloses said mounting member having a sighting through bore (48, 50, 58, 60); wherein said sighting through bore in said mounting member extends substantially centrally through said mounting member; and wherein said sighting through bore in said mounting member extends from said forward-facing surface of said mounting member to said rearward-facing surface of said mounting member (See Figure 2).

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3. Claims 1, 4 and 6 - 10 are rejected under 35 U.S.C. 102 (b) as being anticipated by Morris et al. (US 5,379,747).

With respect to claim 1, Morris et al. discloses a rear peep sight for mounting to a string of a bow (See Column 4, lines 59 – 62) and having interchangeable/alternate sight ports (See Figures 1 and 3 showing alternate embodiment with different sizes of sight ports 12) for accommodating different user preferences, said sight comprising a mounting member (14, 16); and a sighting member (12); wherein said mounting member is for mounting to the string of the bow (See Figure 1); and wherein said sighting member is attached to said mounting member.

With regards to claim 4, the peep sight shown by Morris et al. also teaches said mounting member (14, 16) having a forward-facing surface and a rearward-facing surface; and wherein said mounting member (14, 16) also has a pair of sideward-facing surfaces (24, 26) receiving the bow string (S) (See Column 5, lines 10 - 14).

With respect to claim 6, the sight shown by Morris et al. discloses said mounting member having a sighting through bore (12); wherein said sighting through bore in said mounting member extends substantially centrally through said mounting member (See Figure 4); and wherein said sighting through bore in said mounting member extends from said forward-facing surface of said mounting member to said rearward-facing surface of said mounting member.

Regarding to claim 7, Morris et al. discloses a sight wherein said mounting member has an alignment arm (36, 36a); wherein said alignment arm of said mounting member is for reducing and helping prevent twisting or axial rotation of said rear peep sight about the string of the bow; and wherein said alignment arm of said mounting member extends inclining upwardly from said forward-facing surface of said mounting member, above said sighting through bore in said mounting member, to a terminal free end (See Figure 4).

With respect to claim 8, Morris et al. teaches a sight wherein said alignment arm (36, 36a) of said mounting member is considered slender; wherein said alignment arm of said mounting member is elongated; and wherein said alignment arm of said mounting member is rod-like.

In regards to claim 9, Morris et al. further teaches a sight further comprising an elastic cord (See Column 6, lines 40 – 42); wherein said elastic cord is attached to said terminal free end of said alignment arm of said mounting member; and wherein said elastic cord extending from said terminal free end of said alignment arm of said mounting member for attaching to the bow by a mount, and by so doing, as the string of the bow is drawn rearward, said elastic cord urges said alignment arm into alignment with the bow, thus precluding axial twist of said rear peep sight about the string of the bow and keeping said sighting member disposed generally perpendicular to a line of sight of an archer.

Regarding claim 10, Morris et al. discloses a sight wherein said alignment arm extends along a plane which is approximately thirty-five degrees (See Figure 4) from a plane in which said mounting member lies.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4 and 6 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Topel (US 4,961,264) in view of Beutler (US 5,148,603).

With respect to claim 1, Topel discloses a rear peep sight for mounting to a string of a bow (See Figures 1 and 2) and having a sight port (50), said sight comprising a mounting member (20); and a sighting member (26); wherein said mounting member is for mounting to the string of the bow (See Figure 1); and wherein said sighting member is attached to said mounting member.

With regards to claim 4, the peep sight shown by Topel also teaches said mounting member (20) having a forward-facing surface (52) and a rearward-facing surface (44); and wherein said mounting member (20) also has a pair of sideward-facing surfaces (36, 38) receiving the bow string (22).

With respect to claim 6, the sight shown by Topel also discloses said mounting member having a sighting through bore (66); wherein said sighting through bore in said mounting member extends substantially centrally through said mounting member (See Figure 4); and wherein said sighting through bore in said mounting member extends from said forward-facing surface of said mounting member to said rearward-facing surface of said mounting member.

Regarding to claim 7, Topel discloses a sight wherein said mounting member has an alignment arm (60); wherein said alignment arm of said mounting member is for reducing and helping prevent twisting or axial rotation of said rear peep sight about the string of the bow; and wherein said alignment arm of said mounting member extends inclining upwardly from said forward-facing surface of said mounting member, above said sighting through bore in said mounting member, to a terminal free end (See Figure 4).

With respect to claim 8, Topel teaches a sight wherein said alignment arm (60) of said mounting member is considered slender; wherein said alignment arm of said mounting member is elongated; and wherein said alignment arm of said mounting member is rod-like.

In regards to claim 9, Topel further teaches a sight further comprising an elastic cord (82); wherein said elastic cord is attached to said terminal free end of said alignment arm of said mounting member; and wherein said elastic cord extending from said terminal free end of said alignment arm of said mounting member for attaching to the bow by a mount, and by so doing, as the string of the bow is drawn rearward, said elastic cord urges said alignment arm into alignment with the bow, thus precluding axial twist of said rear peep sight about the string of the bow and keeping said sighting member disposed generally perpendicular to a line of sight of an archer.

Regarding claim 10, Topel discloses a sight wherein said alignment arm extends along a plane which is approximately thirty-five degrees (See Figure 4) from a plane in which said mounting member lies.

With regards to claim 11, Topel further teaches a sight wherein said mounting member has a visor (46); wherein said visor of said mounting member is for reducing glare (see Column 1, lines 45 – 50); wherein said visor of said mounting member extends inclining downwardly from said rearward-facing surface of said mounting member (See Figures 3 and 4); wherein said visor of said mounting member is disposed above said sighting through bore in said mounting member (See Figure 5); and wherein said visor of said mounting member is disposed below the elevation of said alignment arm of said mounting member.

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With respect to claim 12, Topel also discloses a sight wherein said visor (46) of said mounting member is convex-concave shaped (See Figure 5 and columns 2 and 3 lines 66 – 68 and 1 – 18 respectively).

Topel does not disclose the interchangeable sight ports as stated in claim 1.

In regards to claim 1 : Beutler discloses a rear peep sight (14) for a bow having a mounting member (17) and alternative sight ports (19, 42, 52) that could be chosen as preferred by the user or depending on the illumination desired. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a plurality of interchangeable sight ports as taught by Beutler in the peep sight assembly disclosed by Topel in order to provide multiple sight ports to the user so he can choose the most suitable port based on the illumination or desirability.

Allowable Subject Matter

6. Claims 13 – 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are considered of relevance to the present application :

- a. Ingle et al. (US 6,024,079)
- b. Beutler (US 5,148,603)
- c. Summers (US 5,860,408)
- d. Johnson (US 6,628,464)
- e. Saunders (US 5,347,976)
- f. Hedgpeth (US 4,895,129)
- g. Topel (US 4,116,194)
- h. Fletcher (US 4,011,853)
- i. Connelly III (US 6,860,021)
- j. Wilson (US 2003/0019118)
- k. Beutler (US 6,282,800)

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe McCall whose telephone number is (571)272-2244. The examiner can normally be reached on 8:00 AM - 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yaritza Guadalupe-McCall
Patent Examiner
Art Unit 2859
April 18, 2005



CHRISTOPHER W. FULTON
PRIMARY EXAMINER